

November 19, 2008

TO: Teresa Parsons
Director's Review Program Supervisor

FROM: Meredith Huff, SPHR
Director's Review Investigator

RE: Phillip McMillan v. Dept. of Social and Health Services (DSHS)
Allocation Review ALLO 07-119

Director's Review Conference

Mr. Phillip McMillan, Mr. Aaron Stender and Mr. Dennis Munday are co-workers and individually requested a Director's Review through their representative, Ms. Debbie Brookman, WFSE Field Staff. The Director's Review conference included all three employees and the employees' comments were applicable to each of the positions. The time period for the review is six months prior to October 17, 2007. This determination deals with Mr. McMillan's position.

On October 28, 2008, the review conference was held at the Department of Personnel , 2828 Capitol Blvd. in Olympia, WA. In attendance at the conference were Phillip McMillan, Dennis Munday, and Aaron Stender, co-workers; Elizabeth Turnbow and Debbie Brookman, WFSE Field Staff; and Robert Swanson, DSHS Classification and Compensation Manager.

Director's Determination

As the Director's review investigator, I carefully reviewed all of the documentation in the file, the class specifications and the information provided during the Director's Review conference. Based on my review and analysis of Mr. McMillan's assigned duties and responsibilities, I conclude that his position should be reallocated to the Maintenance Mechanic 2 classification.

Background

On October 17, 2007, Mr. McMillan submitted a Position Review Request (PRR) form asking that his position be reallocated to the Maintenance Mechanic 2 (MM2) classification. (Exhibit C-1b). By letter dated October 29, 2007, Mr. Swanson determined that the position was properly allocated at Maintenance Mechanic 1 (MM1) and denied his request. (Exhibit C-4b). On November 28, 2007, Ms. Debbie Brookman, WFSE Field Staff, submitted a request for a Director's Review of DSHS's decision on behalf of Mr. McMillan (Exhibit A-1).

Summary of Employees' Perspective

On behalf of Mr. McMillan, Mr. Munday and Mr. Stender, Ms. Brookman stressed that these employees work independently when dealing with the complexity of installing and reconfiguring modular panel configurations, furniture, and equipment in offices. They generally travel state-wide without a lead or

supervisor with them. To be successful, Ms. Brookman asserted, it is necessary for the employees to perform skilled work that is not routine, be innovative problem solvers, use a variety of tools and fabricate tools and materials. She stated that the complexity of using a wide variety of different brands of modular office systems requires a high level of working skills in installing, remodeling, or breaking down the modular panels, equipment and furniture in DSHS offices statewide. Ms. Brookman recognized that the scope of the work may be narrower than envisioned in the MM2; however, she maintained that the skill level is higher. She stated that employees, who are less skilled in the work performed by these employees, can make mistakes that create unsafe situations. Ms. Brookman also discussed the customer service skills required of these employees by the situations that arise in moving and changing work stations. When necessary, these employees adapt the work orders using their judgment on the best layout or arrangement to benefit the office or work area. Ms. Brookman asserted these positions should be reallocated to the MM2, a classification that better encompasses the little supervision they receive and the higher level skills they use.

Mr. McMillan stressed that he and his teammates use higher level skills to install, reconfigure and dismantle a wide variety of modular office panels and equipment in DSHS offices statewide. He stated that sometimes they may have a nice set of prints from a planner, but as the modular furniture being used may not be specific to the plan, the team has to ad lib. He observed that it takes a thorough knowledge and skill to reuse used equipment to construct and correctly install cubicles and furniture. He explained that sometimes in putting together an office or work area, he and his co-workers are reusing pieces of different modular office systems and it is challenging to fit them together. He noted that it is frequently necessary to fabricate brackets and other items in this situation. Mr. McMillan stated that he receives a work order and then just “goes with it” to get it done. Sometimes adjustments are needed and he independently determines how to handle the changes. Mr. McMillan indicated he works with his clients to explain necessary adjustments and to prioritize work to be done so it is completed within the time frame. Mr. McMillan acknowledged that customer service skills are essential. He stated that the lead employee rarely accompanies him or his co-workers to the work site. Mr. McMillan stated he pulls electrical wires and sets up electric panels. He estimates chargebacks on jobs and at the end of a job, he completes the chargeback paperwork.

Mr. McMillan stated he and his co-workers maintain the DSHS TRACK system to maintain inventory of equipment, furniture and modular parts in the warehouse assigned to offices, surplus or discarded. Mr. McMillan remarked that he is authorized to determine if an item is repairable or should be declared as scrap.

Summary of DSHS’s Reasoning

Mr. Swanson stated that Mr. McMillan and his co-workers do a great job. However, he noted, rather than performance, the process of allocation of positions is dependent upon the classification concept, definition and distinguishing characteristics, if any. Mr. Swanson contends that the majority of the employees’ work is accomplished using semi-skilled and sub journey work rather than journey level skills. He indicated that at the MM1 level jobs are generally routine but may have some complexity. Mr. Swanson indicated that when Mr. McMillan and his co-workers need to think through the process prior to doing a job, they may go with a different plan, but that may not be more complex, just different. DSHS asserts that the type of skills required, the work performed and the responsibilities of Mr. McMillan and his co-workers are best encompassed by the Maintenance Mechanic 1 class.

Rationale for Determination

A position review is neither a measurement of the volume of work performed, nor an evaluation of the expertise with which the work is performed. A position review is a comparison of the duties and responsibilities of a particular position to the available classification specifications. This review results in

a determination of the class that best describes the overall duties and responsibilities of the position. See Liddle-Stamper v. Washington State University, PAB Case No. 3722-A2 (1994).

Glossary of Classification Terms

In reviewing these positions, I have used the following terms. The Department of Personnel's Glossary of Classification Terms defines these terms. The Glossary is found at <http://www.dop.wa.gov/HRProfessionals/Classification/>.

The Glossary defines **independent** as – *“Has the authority to make decisions without supervisory approval regarding the work processes and methods which will be used; can modify procedures as long as such changes conform to agency/institutional and departmental policies and regulations.”*

The Glossary defines **journey level** work as work that is: *“Fully competent and qualified in all aspects of a body of work and given broad/general guidance, can complete work assignments to standard under minimal supervision. Also referred to as the working or fully qualified occupational level.”*

The Glossary defines **routine work** as work that *“[i]nvolves the performance of several related and repetitive tasks, which require some judgment in respect to the rules, procedures, materials, or equipment that will be used.”*

Supervisor's Comments

Mr. Paul Nicholson, Mr. McMillan's supervisor, indicates that he provides a supervision level that is *“Little - employee responsible for devising own work methods.”* He also provides examples of decisions Mr. McMillan is authorized to make that includes: *“When dispatched to the field: decisions can involve altering a planned service route due to unforeseen circumstances ... prioritizes tasks on-site during office moves, surplus delivers and pick up . . . trouble shoots and resolves issues involving office configuration . . . Exercises scrap authority . . . Determines scrap, trash and redistributable furniture.”* (Exhibit C-1b, pg. 7).

Statewide for DSHS, Mr. McMillan and his co-workers assist in office moves, including developing office installations and reconfigurations, assessing modifications and implementing ergonomic adjustments. The PRR lists the skills and competencies that are required to perform these and other duties. The following is a partial list of the required skills and competencies. Mr. Nicholson signed this document as being in agreement with its contents.

“Incumbents work independently and utilize a general knowledge of several related skill fields including but not limited to:

Estimate jobs to determine length of time, materials, tools and amount of manpower needed to complete the job;

Knowledge of a wide variety of office modular systems;

Ability to read and interpret blue prints . . . [and] CAD drawings.

. . . accurately plan and draw office furniture system layouts;

. . . perform a variety of skilled work in the maintenance repair, remodeling and construction of systems and equipment. . . .

Perform fabrication of office systems and maintain storage systems. Ability to troubleshoot . . . resolve issues with office configuration. . .” (Exhibit C-1b; pg 2)

Maintenance Mechanic 1(class code 626J)

The distinguishing characteristics for the Maintenance Mechanic 1 state in part, *“[p]ositions perform semi-skilled and sub journey work in the maintenance, repair, remodeling, alterations and construction of buildings, grounds, facilities, and equipment. . . . Other positions perform a variety of semi-skilled*

maintenance duties requiring a limited knowledge of various trade skills. These positions work independently in routine maintenance assignments or under the technical direction of a journey level position.”

Some duties assigned to Mr. McMillan and his co-workers appear to fit within the MM1 description. However, many of the duties they perform are not routine or repetitive in nature and require more than routine judgment and more than semi-skilled or sub-journey level of skills. These duties include fabricating and modifying equipment, revising floor plans for the installation of panels and equipment based on unforeseen situations, and making changes to meet ergonomic needs. For the duties Mr. McMillan performs that are beyond routine maintenance, he does not work under the technical direction of a journey-level position; rather he performs the work independently with little supervision.

Rather than using semi-skilled and sub journey skills, Mr. McMillan’s work requires a working knowledge of related skill fields such as electrical and estimating time, manpower, materials and costs of jobs, and fabricating materials as needed. He uses knowledge of a wide variety of office modular systems for maintenance, troubleshooting and repair. He reads and assesses blueprints and CAD drawings and when necessary creates his own drawings. Working with his co-workers, under minimal supervision, he completes work assignments for moves, installations and reconfigurations of DSHS offices statewide. The Maintenance Mechanic 1 classification is not the best fit for the level of supervision, the level of skills, and the level of work that is required by Mr. McMillan’s position.

Maintenance Mechanic 2 (class code 626K)

The distinguishing characteristics for the Maintenance Mechanic 2 classification state, “[t]his is the journey, working or occupational level of the series. Positions at this level perform a variety of skilled work in the operation, maintenance, repair, remodeling and construction of buildings, grounds, machinery, mechanical facilities and equipment, and hospital facilities, systems and equipment. Incumbents work independently and utilize a general knowledge of several related skill fields such as plumbing, electrical, welding, carpentry, and machinist work.”

On the PRR, Mr. McMillan indicates he spends 65% of his work time “independently utilizing a general knowledge of related skill fields” to do his assigned work. This work, in part, includes: “Performs agency office moves, working with office modular cubicles and furniture. Involving repair, reconfiguration, and panel systems modification. Follows written and oral directions, working with blueprints and CAD drawings. Analyzes facility blueprints and cubicle floor plans working with a wide variety of different office panel and furniture systems. Works in coordination with [others]...Maintains a high level of customer service skills ... Removes and delivers excess surplus furniture and equipment ... Operates computer databases and software to monitor inventory control. . .” (Exhibit C-1b)

Mr. McMillan works independently, with little supervision, and utilizes a broad, general knowledge of a wide variety of related skill fields in his work. His work involves moves, reconfiguration and modification of offices using modular panels, furniture and equipment systems. The use of items from different modular systems, previously used and recycled items necessitates creativity, problem solving, fabricating items and dealing with additional complexity to accomplish his work. He troubleshoots and resolves issues involving plan changes in office configurations. He works with electrical wiring and panels. He is authorized to determine if materials can be reused, repaired and reused, or should be declared scrap or trash. He maintains accurate inventory records of equipment being used, stored and discarded.

Mr. McMillan’s duties and level of responsibility as described in the PRR and other documents and during the Director’s review, is more complex than routine and is completed with little supervision. The required skill level of his work meets the level of “journey-level/working or fully qualified” as defined in

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the Glossary of Classification Terms. The Maintenance Mechanic 2 is the best fit for Mr. McMillan's position. His position should be reallocated to the Maintenance Mechanic 2 classification.

Appeal Rights

RCW 41.06.170 governs the right to appeal. RCW 41.06.170(4) provides, in relevant part, the following:

An employee incumbent in a position at the time of its allocation or reallocation, or the agency utilizing the position, may appeal the allocation or reallocation to . . . the Washington personnel resources board Notice of such appeal must be filed in writing within thirty days of the action from which appeal is taken.

The address for the Personnel Resources Board is 2828 Capitol Blvd., P.O. Box 40911, Olympia, Washington, 98504-0911.

If no further action is taken, the Director's determination becomes final.

cc: Robert Swanson, DSHS
Phillip McMillan, DSHS
Lisa Skriletz, DOP

Enclosure: Exhibits List

Phillip McMillan v DSHS
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Phillip McMillan ALLO 07-119 KS09

Dennis Munday ALLO-07-120 KS08

Aaron Stender ALLO-07-121 NN18

EXHIBITS LIST

A. Filed by Debbie Brookman, WFSE November 27, 2007:

1. Director's Review Request form.
2. DSHS allocation determination, October 29, 2007.
3. Position Review Request undated and unsigned.

B. Filed by WFSE (Debbie Brookman) October 8, 2008:

(SEE ATTACHED SCANNED LIST)

C. Booklet filed by DSHS October 22, 2008:

1. Position Review Request:
 - a. Dennis Munday, position KS08 (received 10/17/2007 Classification/Comp Unit)
 - b. Phillip McMillan, position KS09 (received 10/17/2007 Classification/Comp Unit)
 - c. Aaron Stender, position NN18 (received 10/17/2007 Classification/Comp Unit)
2. 2006 Position Descriptions for:
 - a. KS08 (Munday current incumbent)
 - b. KS09 (McMillan current incumbent)
 - c. NN18 (Stender current incumbent)
3. 2007 Position Descriptions for:
 - a. KS08 (Munday current incumbent)
 - b. KS09 (McMillan current incumbent)
 - c. NN18 (Stender current incumbent)
4. October 29, 2007 allocation determination letters for:
 - a. Dennis Munday, position KS08,
 - b. Phillip McMillan, position KS09
 - c. Aaron Stender, position NN18
5. Management Services Admin. Org Chart dated October 26, 2007 (updated Sept. 6, 2007)
6. Class Specifications
 - a. Maintenance Mechanic 1 #626J
 - b. Maintenance Mechanic 2 #626K

D. Email from Bill Jordan to Aaron Stender, dated October 23, 2008, filed by DSHS at October 28, 2008 conference.

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October 28, 2008

ALLO-07-119 – Phillip McMillan
ALLO-07-120 – Dennis Munday
ALLO-07-121- Aaron Stender

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Department of Personnel
Director's Review Program

WFSE Exhibits List

1. Request for Technical and Professional Services, 9/13/2007
2. Request for Technical and Professional Services, 8/2/2007
3. Request for Technical and Professional Services, 7/16/2007
4. Request for Technical and Professional Services, 3/14/2007
5. Request for Technical and Professional Services, 7/17/2007
6. Request for Technical and Professional Services, 6/25/2007
7. Request for Technical and Professional Services, 7/30/2007
8. Request for Technical and Professional Services, 7/18/2007
9. Request for Technical and Professional Services, 7/05/2007
10. Dennis Munday's Exhibits
 - a. November 30, 2007, Letter of Appreciation
 - b. Performance and Development Plan (PDP), 6/26/07
 - c. Position Description, 6/26/2007
11. Aaron Stender's Exhibits
 - a. PDP, 5/17/07
 - b. PDF, undated
12. Phillip McMillan's Exhibits
 - a. PDP, 5/17/07
13. DOP Class Specification – Maintenance Mechanic 1
14. DOP Class Specification – Maintenance Mechanic 2
15. DOP Class Specification – Facility Services Coordinator 1
16. DOP Class Specification – Facility Services Coordinator 2